

KAREN P. HEWITT  
United States Attorney  
DAVID M. MCNEES  
Special Assistant U.S. Attorney  
California State Bar No. 216612  
Federal Office Building  
880 Front Street, Room 6293  
San Diego, California 92101-8893  
Telephone: (619) 557-5979  
E-mail: [David.McNees@usdoj.gov](mailto:David.McNees@usdoj.gov)

Attorneys for Plaintiff  
United States of America

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) Civil No. 08cv0035-DMS(WMc)  
11 Plaintiff, )  
12 ) DECLARATION OF AND  
13 v. ) REQUEST FOR CLERK'S  
14 ) ENTRY OF DEFAULT AS  
15 ONE 2002 MERCEDES BENZ C32, ) TO ALL POTENTIAL  
16 CA LICENSE NO. 5WFJ559, ) CLAIMANTS  
VIN WDBRF65JX2F226748, )  
ITS TOOLS AND APPURTENANCES, )  
Defendant. )

I, David M. McNees, Special Assistant United States Attorney for the Southern District of California, hereby request a clerk's entry of default in this case for the following reasons:

On January 7, 2008, a verified complaint was filed in the above action in the United States District Court for the Southern District of California against the above-named defendant property, ONE 2002 MERCEDES BENZ C32, (“defendant”). On January 31, 2008, the defendant was seized and arrested by a duly authorized United States Marshal, who thereafter took possession and custody of the defendant, pursuant to the Court’s Order appointing the United States Marshal as custodian, dated January 10, 2008.

On February 1, 8 and 15, 2008, pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, notice was published in the San Diego Commerce newspaper.

1 On January 10, 2008, Notice of Judicial Forfeiture Proceedings and a copy of the  
2 Complaint for Forfeiture were sent by certified mail to the following potential claimants at their  
3 addresses of record:

	<u>Name and Address</u>	<u>Article No.</u>	<u>Result</u>
4	Pablo Gomez Avelar 1584 Holt Avenue El Centro, CA 92243	7004 2510 0003 3013 3332	Delivered 01/14/08 per U.S. Postal and Track and Confirm system at usps.com
5	Patience Renee Thornburg Pablo Gomez Avelar 1597 West Orange Avenue El Centro, CA 92243	7004 2510 0003 3013 3325	Delivered 01/14/08 per U.S. Postal and Track and Confirm system at usps.com

10 From the time of said notice, no claim or answer has been filed regarding the above-named  
11 defendant property by anyone.

12 For the foregoing reasons, it is requested that the Clerk of the Court enter a default against  
13 the defendant property as to any and all potential claimants.

I declare under penalty of perjury that the foregoing is true and correct.

15 Executed on this 11th day of April, 2008.

17  
18 s/ David M. McNees  
19 DAVID M. MCNEES  
20 Special Assistant U.S. Attorney  
Attorneys for Plaintiff  
United States of America  
E-mail: David.McNees@usdoj.gov